

Order

Michigan Supreme Court
Lansing, Michigan

July 9, 2009

Marilyn Kelly,
Chief Justice

138779

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 138779
COA: 281865
Wayne CC: 07-003577-FH

KEVIN RAPLEY,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the March 17, 2009 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE in part the judgment of the Court of Appeals and REINSTATE the defendant's convictions for being a felon in possession of a firearm and for felony-firearm. Where a defendant challenges the sufficiency of the evidence, all reasonable inferences which can be drawn from the evidence must be resolved in favor of the prosecution. *People v Nowack*, 462 Mich 392 (2000). Even though the firearm was not in plain view in this case, the jury could reasonably have inferred that the defendant was in knowing possession of the firearm based on its proximity to a quantity of controlled substances that the defendant was intending to deliver, the defendant's proximity to both the weapon and the controlled substances, and the well-known relationship between drug dealing and the use of firearms as protection.

KELLY, C.J., would deny leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 9, 2009

Corbin R. Davis

Clerk